

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

September 23, 2014

The Rhode Island Ethics Commission held its 11th meeting of 2014 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, September 23, 2014, pursuant to the notice published at the Commission offices, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

Ross Cheit, Chair Mark B. Heffner*

Deborah M. Cerullo SSND, Vice Chair John M. LaCross

Frederick K. Butler Robert A. Salk

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorneys Teresa Giusti and Amy C. Stewart; and Commission Investigators Peter J. Mancini and Gary V. Petrarca.

At 9:09 a.m., the Chair opened the meeting. The first order of business was:

Approval of minutes of the Open Session held on August 19, 2014.

Upon motion made by Commissioner Cerullo and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To approve minutes of the Open Session held on August 19, 2014.

The next order of business was:

Advisory Opinions.

The advisory opinions were based on draft advisory opinions prepared by Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date.

The first advisory opinion was that of:

E. Stefan Coutoulakis, the chairperson of the Washington County Local Emergency Planning Committee who, by virtue of that position, is also a member of the Rhode Island Emergency Response Commission, requesting an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating as a member of either body in matters relating to applications for grant funding for Rhode Island Fire Academy courses for which he may be selected to serve as the instructor.

***Commissioner Heffner arrived at 9:14 a.m.**

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present. The Petitioner stated that he sought the advisory opinion because it was a complicated situation and he just wanted to do the right thing. Chair Cheit stated that he agreed with the staff's analysis and noted that the statute is written broadly and clearly applies to this situation. Upon motion made by Commissioner Butler and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to E. Stefan Coutoulakis, the chairperson of the Washington County Local Emergency Planning Committee.

The final advisory opinion was that of:

Peter N. Dennehy, Esq., a member of the Barrington Zoning Board of Review, requesting an advisory opinion as to whether he qualifies for a hardship exception to the Code of Ethics' prohibition on appearing before his own Board for purposes of obtaining a dimensional variance to construct a second-story dormer on his personal residence.

Staff Attorney Giusti presented the Commission Staff recommendation. The Petitioner was present. Commissioner

LaCross questioned whether he should recuse because he is Chief of the Barrington Police Department. Chair Cheit advised that recusal was not necessary in this case. Upon motion made by Commissioner Heffner and duly seconded by Commissioner Butler, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Peter N. Dennehy, Esq., a member of the Barrington Zoning Board of Review.

The next order of business was:

Director's Report.

Executive Director Willever reported that there were eight (8) complaints and one (1) advisory opinion pending. He stated that twenty (20) APRA requests were granted since the last meeting, eighteen (18) of which were completed within one (1) business day.

The next order of business was:

Executive Session.

At 9:22 a.m., upon motion made by Commissioner Cerullo and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To go into Executive Session, to wit:

- 1. Motion to approve minutes of the Executive Session held on August 19, 2014, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 2. In re: Paul Rodrigues, Complaint No. 2014-8, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 3. In re: Johanna Harris, Complaint No. 2014-9, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 4. Discussion re: Joseph S. Larisa, Jr. v. Rhode Island Ethics Commission et al., C.A. No. PC11-6938, pursuant to R.I. Gen. Laws § 42-46-5(a)(2).**

The Commission reconvened in Open Session at approximately 9:45 a.m.

[Commissioner Salk left the meeting at 9:45 a.m.]

Upon motion made by Commissioner Heffner and duly seconded by Commissioner Butler, it was unanimously

VOTED: To seal the minutes of the Executive Session held on September 23, 2014.

[Commissioner Salk returned to the meeting at 9:46 a.m.]

The next order of business was:

Report on Actions Taken in Executive Session.

Chair Cheit reported that the Commission took the following actions in Executive Session:

1.Approved the minutes of the Executive Session held on August 19, 2014. The vote was as follows:

AYES: Robert A. Salk; Frederick K. Butler; Deborah M. Cerullo; Ross Cheit; John M. LaCross.

ABSTENTIONS: Mark B. Heffner

2.Unanimously voted to initially determine that the facts alleged in In re: Paul Rodrigues, Complaint No. 2014-8, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

3.Unanimously voted to initially determine that the facts alleged in In re: Johanna Harris, Complaint No. 2014-9, if true, were sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

4.Unanimously voted not to seek appellate review of Joseph S. Larisa, Jr. v. Rhode Island Ethics Commission et al., C.A. No. PC11-6938.

The final order of business was New Business. Chair Cheit stated that the annual election of officers will occur at the next meeting. He also welcomed new Staff Attorney Teresa Giusti. At 9:48 a.m., upon motion made by Commissioner Heffner and duly seconded by Commissioner Butler, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

John D. Lynch, Jr.

Secretary